

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of February, 2006, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Gillette gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the January 24 (three meetings), 2006 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, City Council Report #2 was considered. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-06-015, as presented, amending the FY 2006 City/Federal/State Aid Fund Budget and appropriating \$64,750, with \$32,375 reimbursement, to upgrade seven (7) Zoll "M" Series bi-phasic manual monitor/defibrillators:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #3 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 1811-1813 Grace Street under Section 36-19.5 of the Code of Virginia. LRHA Development Assistant Connie Snavelly provided a brief overview regarding the request, stating that LRHA staff became aware of the condition of this property in October 2003 when staff began efforts to sell adjacent Authority property to neighboring property owners. Ms. Snavelly went on to say that the owners did provide a plan of correction in August 2005, but that they have not completed the repairs as stated in the plan. Mr. David Hawes, owner of the property, stated that work has been done on the house and asked that City Council postpone making a decision regarding the request from the Housing Authority until after March 10, the date that he is scheduled to appear in Court for violations cited by the City's Inspections Department. Mr. Hawes went on to say that he is working on the house during weekends and that the work is taking longer than expected. Mr. Hawes also questioned some of the violations, citing an example whereby he was told he needed to sand some of the boards on the front porch when he is looking at replacing all of the boards on the porch. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson stated that since the property does not seem to be as deteriorated as some that have come to City Council in the past, he would be willing to allow Mr. Hawes the time he is requesting, and made a motion to table this item until the March meeting. The motion died for lack of a second. In response to Council questioning, Mr. Hawes stated that the house belonged to his wife's grandparents and that he and his wife plan to live in the house once it is

renovated. Council Member Dodson stated that he would be willing to postpone this item for two months to allow time for the property owners to complete the needed repairs and urged the property owners to continue dialogue with the Housing Authority during this timeframe. Council Member Johnson stated that the deteriorated property is located in his ward, that the owners have been given adequate time to complete the repairs to the house and that he would not support an extension. Following further discussion, Vice Mayor Foster made a motion, seconded by Council Member Johnson, to approve the request from the Housing Authority to pursue acquisition of blighted property at 1811-1813 Grace Street. Council Member Dodson made a substitute motion, seconded by Council Member Gillette, to postpone this item for two months to allow time for the property owners to complete the needed repairs and urged the property owners to continue dialogue with the Housing Authority during this timeframe, and Council by the following recorded vote approved the substitute motion:

Ayes: Dodson, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: Foster, Johnson 2

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #4 outlining the petition of Heritage Baptist Church for a Conditional Use Permit at 201 & 219 Breezewood Drive to amend the previously approved Master Development Plan and the previously approved condition related to the timing of the Breezewood Drive extension. City Planner Tom Martin provided a brief summary of the petition. Mr. Jim Vernon, a member of the Heritage Baptist Church Building Committee, provided an overview regarding the petition and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Dodson, Council by the following recorded vote adopted Resolution #R-06-016, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #5 outlining the petition of Dry River Investments, LLC, for a Conditional Use Permit in the 1700 block of Graves Mill Road to allow the construction of a building that would cross the City/County boundary line. City Planner Tom Martin provided a brief summary of the petition. Mr. Russ Orrison, representing the petitioner, provided a brief overview regarding the petition and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-06-017, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Central Virginia Community Services, City Council Report #6 regarding a request of the Central Virginia Community Services Board (CVCSB) to refinance existing debt through the issuance of bonds not to exceed \$1,700,000 was considered. City Manager Kimball Payne provided a brief summary

of the request, explaining that the refinancing of the existing debt could reduce interest costs by up to 40%. Council Member Gillette stated that his business has a contract with Central Virginia Community Services, that the contract is not worth more than \$10,000 and therefore does not create a legal conflict of interest, that the refinancing of the debt would not impact him in anyway, and that he does not believe that there is a conflict of interest regarding this item and therefore he will participate in the vote. On motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-06-018, as presented, approving the request of the Central Virginia Community Services Board (CVCSB) to refinance existing debt through the issuance of bonds not to exceed \$1,700,000:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, City Council Report #7 regarding approving the dedication of a public street off of Riverside Drive and naming the new street "River Bluff Court" was considered. City Planner Tom Martin provided a brief summary of the request. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-06-019, as presented, approving the dedication of a public street off of Riverside Drive and naming the new street "River Bluff Court":

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code/Police - General, City Council Report #8 regarding adoption of an Ordinance to amend the City Code relating to panhandling within the City was considered. City Manager Kimball Payne explained that the Police Department believes panhandling from the medians and public rights-of-way creates a dangerous situation and is recommending that the City Code be amended to prohibit such activities. Mr. Payne went on to say that the medians were not designed for pedestrians and are located at highly traveled intersections that experience a high number of traffic accidents. In response to questioning, Mr. Payne stated that the Fire Department is aware that if the ordinance is adopted, that it would affect how they conduct their annual "fill a boot" campaign for the Muscular Dystrophy Association. On motion of Council Member Seiffert, seconded by Council Member Dodson, Council by the following recorded vote adopted Ordinance #0-06-020, as presented, amending the City Code prohibiting panhandling within the City's median areas and public rights-of-way:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code, City Council Report #9 regarding adoption of an Ordinance to amend the City Code to establish speed zones in residential neighborhoods was considered. City Manager Kimball Payne provided a brief summary of the request, explaining that this amendment could be considered as one of the possible "tools" in the Neighborhood Traffic Management Program (NTMP) toolbox. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote

adopted Ordinance #0-06-021, as presented, amending the City Code to establish speed zones in residential neighborhoods where a violation is punishable by a fine of \$200 or 20 hours of community services as ordered by the court:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In an item not on the agenda, and on motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-06-022, as presented, endorsing the nomination of Amazement Square, The Rightmire Children's Museum, for a 2006 National Award for Museum and Library Service:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Dodson, Council by the following recorded vote elected to hold a closed meeting to discuss the location of a prospective business or industry in the City where no previous announcement has been made of the business' or industry's interest in locating in the community pursuant to Section 2.2-3711(A)(5), Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Gillette made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 9:36 P.M. to February 28, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council